

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHRISTOPHER CIRELLI,

Plaintiff,

– against –

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER

19 Civ. 2709 (ER) (SDA)

RAMOS, D.J.:

Christopher Cirelli brings this action pursuant to 42 U.S.C. § 405(g) challenging the decision of the Commissioner of Social Security (the “Commissioner”) denying his application for disability insurance benefits. Doc. 2. Pending before the Court are the parties’ cross-motions for judgment on the pleadings, pursuant to Federal Rule of Civil Procedure 12(c). Docs. 16, 20. On May 7, 2020, Magistrate Judge Stewart D. Aaron issued a Report and Recommendation (the “R&R”), recommending that Cirelli’s motion be granted in part and denied in part, that the Commissioner’s motion be denied in its entirety, that the Commissioner’s decision be vacated, and that the case be remanded for further proceedings. Doc. 22. The R&R also notified the parties that they had fourteen days from date of service to file written objections. *Id.* Fourteen days have since elapsed, and no objections to the R&R have been filed.

I. STANDARD OF REVIEW

A district court reviewing a magistrate judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Parties may raise specific, written objections to the report and recommendation “[w]ithin fourteen days after being served with a copy.” *Id.*; *see also* Fed. R. Civ. P. 72(b)(2). A district court reviews *de novo* those portions of the report and recommendation to which timely and specific objections are made. 28 U.S.C. § 636(b)(1)(C); *see also United States v. Male Juvenile (95-CR-1074)*, 121 F.3d 34, 38 (2d Cir. 1997). The

district court may adopt those parts of the report and recommendation to which no party has timely objected, provided no clear error is apparent from the face of the record. *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008) (citation omitted). The district court will also review the report and recommendation for clear error where a party's objections are "merely perfunctory responses" argued in an attempt to "engage the district court in a rehashing of the same arguments set forth in the original petition." *Ortiz v. Barkley*, 558 F. Supp. 2d 444, 451 (S.D.N.Y. 2008) (internal quotation marks and citations omitted).

II. DISCUSSION

The Court has reviewed Magistrate Judge Aaron's thorough and well-reasons R&R and finds no error, clear or otherwise. The Court therefore adopts Judge Aaron's recommendations in their entirety. Cirelli's motion for judgment on the pleadings is GRANTED in part and DENIED in part; the Commissioner's motion for judgment on the pleadings is DENIED; the decision of the Commissioner is hereby vacated; and the case is remanded for further proceedings. The Clerk of Court is respectfully directed to terminate the motions, Docs. 16, 20, and to close the case.

It is SO ORDERED.

Dated: June 19, 2020
New York, New York

A handwritten signature in blue ink, appearing to read 'Edgardo Ramos', is written above a horizontal line.

EDGARDO RAMOS, U.S.D.J.